

VIRGINIA: AT A REGULAR MEETING OF THE BOARD OF SUPERVISORS HELD IN THE POWHATAN VILLAGE BUILDING AUDITORIUM, 3910 OLD BUCKINGHAM ROAD IN POWHATAN COUNTY, VIRGINIA, AND REMOTELY BY ELECTRONIC MEANS ON JUNE 28, 2021, AT 6:30 P.M.

Board of Supervisors Present: David T. Williams, District 1,
Tom E. Berry, District 2
Michael W. Byerly, District 3, Vice Chairman
Bill L. Cox, District 4
Karin M. Carmack, District 5, Chair

Board of Supervisors Absent: None

County Staff Present: Ned Smither, County Administrator
Bret Schardein, Assistant County Administrator
Tom Lacheney, County Attorney
Phil Warner, Fire and Rescue Chief
Alyson Oliver, Planner II
Frank Hopkins, Planning Director
Curt Nellis, Assistant Emergency Management Coordinator

Constitutional Officers Present: Brad Nunnally, Sheriff

Guests Present:

1. Call to Order

Chairman Carmack called the meeting to order at 6:30 p.m.

2. Pledge of Allegiance

Mr. Berry led the Pledge of Allegiance

3. Invocation

Mr. Williams led the Invocation

4. Requests to Postpone Agenda Items and Additions, Deletions or Changes in the Order of Presentation

No requests were made to amend the Agenda.



5. Formal Approval of Agenda

Mr. Williams made a motion to approve the agenda. Mr. Cox seconded the motion.

David T. Williams, Tom E. Berry, Michael W. Byerly, Bill L. Cox, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

6. County Administrator Updates- Certificates of Appreciation, Special Resolutions, Proclamations and Presentations

The County Administrator had no comments.

7. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman Carmack opened the first public comment period.

No Public Comment speakers.

Chairman Carmack closed the public comment period.

8. Consent Agenda

A. R-2021-34 Resolution Amending the FY22 Operating Budget by \$262,621 for School Food Service

B. Resolution R-2021-35 Ending the Local State of Emergency

C. Treasurer's Accountability Report

Mr. Williams motioned to approve the consent agenda. Mr. Berry seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed



9. Appointments to Boards, Commissions, Committees, etc.

Mr. Smither asked Mr. Schardein to present appointments to members of the board.

D. Community Policy and Management Team (CPMT) Parent Representative (one citizen member)

Received one suggested member, Ms. Jones.

Chair Carmack made a motion to approved Kathy James to the CPMT. Mr. Williams seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

E. Economic Development Authority (ED) (two citizen members)

Mr. Schardein stated that ED has two existing seats that have come up for reappointment.

Chair Carmack recommended to point Matt Schafer. Mr. Byerly seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

Mr. Byerly recommended to point Frank Rennie for the position. Mr. Cox seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

Upcoming Appointments:

- Library Board - District 1(expires 11/30/21)



10. Old Business

- A. Ordinance O-2021-09 (Case #21-04-REZ) James E. Sumrell III Rezoning of Tax Map Parcel #8-83 (4.7 acres) from General Commercial (C) to Crossroads (CR) (District 5: Smiths Crossroads/Pineville/Tobaccoville)

Staff and applicant are requesting deferral on Ordinance O-2021-09. Proposed to put on July agenda after planning commission.

Chair Carmack made a motion to defer to the July regular Board Meeting. Mr. Berry seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

- B. Discussion of Alternative Uses for Courthouse Parking Lot Expansion Project Funds

Mr. Smither stated that at previous board meetings we have discussed parking lot expansion and have borrowed funds to complete other projects, that is not included in the CIP.

After discussion among the board members and Mr. Smither, Mr. Byerly motioned to approve, as discussed, both parking lots at \$22,000 & \$55,000 and the remaining balance is put in a fund directed toward the purchase of transition house for the department of social services in Powhatan County. Chair Carmack seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

11. New Business

- A. Authorization for County Administrator to Execute Verizon Tower Lease

Mr. Smither informed the members of the board that the annual rental rate will be \$21,600 and allow Verizon and the county administrator to execute this lease agreement.



Chair Carmack moved to authorize Mr. Smither to execute the lease with Verizon. Mr. Berry seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

- B. Request the Planning Commission to initiate a Zoning Ordinance Text Amendment to Address Short-Term Rentals

Mr. Schardein expressed to the members of the board about the complaints that staff receive from the citizens of Powhatan on the operation of primarily daily rentals of home, typically referred to as Air BNB. The request is initiate a code amendment for staff to close the loophole for those daily rentals.

After discussion among the members of the board, Mr. Lacheney and Mr. Schardein, Chair Carmack made a motion to initiate the planning commission to review a zoning ordinance text amendment to address short-term rentals. Mr. Williams seconded the motion.

David T. Williams, Tom. E Berry, Bill L. Cox voted NO, Michael W. Byerly and Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

12. Public Hearings

- A. Ordinance O-2021-10 (Case #21-01-CUP) James E. Sumrell III CUP for Tax Map Parcel #8-83 (4.7 acres) to Permit an Automotive Wrecker Service (District 5: Smiths Crossroads/Pineville/Tobaccoville)

Staff and applicant are requesting deferral on Ordinance O-2021-09. Proposed to put on July agenda after planning commission.

Chair Carmack made a motion to defer to the July regular Board Meeting. Mr. Berry seconded the motion.



David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack
voted AYE

VOTE 5-0
MOTION Passed

- B. Ordinance O-2021-13 (Case #21-01-AZ): The County of Powhatan requests an amendment to the County Code of Ordinances to amend several sections of Chapter 83 (Zoning Ordinance) to define a new use called Artisan Food and Beverage Production

Mr. Bret Schardein provided an overview of Case#21-01-AZ, as it relates to smaller batch artisan food and beverage production. It will pertain to the smaller businesses that would like to go to the next production step, but not quite large industrial scale. Chairman Carmack opened the public hearing.

Seeing as there were no speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board members comments.

After discussion with the members of the board and Mr. Schardein, Chair Carmack motioned to approve the amended O-2021-13. Mr. Cox seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack
voted AYE

VOTE 5-0
MOTION Passed

- C. Ordinance O-2021-14: The County of Powhatan requests an amendment to the County Code of Ordinances to add provisions to Chapter 46 (Fire Prevention and Protection) to remove certain restrictions on open flame cooking devices

Chief Warner introduced Ordinance O-2021-14 to the members of the board. He stated that this will affect the new multi-family dwellings in the county, specifically the artistry apartments. Chairman Carmack opened the public hearing.

Seeing as there were no speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board members comments. No comments or questions by the board.



Mr. Williams made the motion to approve O-2021-14. Mr. Cox seconded the motion David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

D. Ordinance O-2021-15: The County of Powhatan requests an amendment to the County Code of Ordinances to add provisions to Chapter 70 (Taxation) to establish a Department of Real Estate Assessment.

Mr. Smither introduced Ordinance O-2021-15 to the members of the board. County code needs updating to reflect the new responsibilities of the assessment office. This ordinance will create the department of real estate assessment. Chairman Carmack opened the public hearing.

Seeing as there were no speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board members comments. No comments or questions by the board.

Chair Carmack motioned to approve O-2021-15 as amended. Mr. Berry seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

E. Ordinance O-2021-16: The County of Powhatan requests an amendment to the County Code of Ordinances to amend Chapter 70 (Taxation) to assign responsibilities to the Department of Real Estate Assessment and the Chief Assessor

Chair Carmack stated that O-2021-16 will assign responsibilities to the department of real estate assessments and the chief assessor. Chairman Carmack opened the public hearing.

Seeing as there were no speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board members comments.



After discussion among the board members, Mr. Lacheney and Mr. Smither, Chair Carmack motion to approve O-2021-16. Mr. Berry seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

- F. Ordinance O-2021-17: The County of Powhatan requests an amendment to the County Code of Ordinances to amend Chapter 74 (Traffic and Vehicles) to amend the definition of a cover to not permit tarps for the purpose of screening inoperable vehicles and to reduce the number of inoperable vehicles which may be visible and unscreened in agriculturally zoned properties from five to zero.

Mr. Schardein introduced the Ordinance amendment to County Code regarding strengthening the counties inoperable vehicle ordinance O-2021-17. Chairman Carmack opened the public hearing.

Seeing as there were no speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board members comments.

After discussion among the board members and Mr. Schardein, Mr. Williams made a motion to approve O-2021-17. Mr. Cox seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

- G. Resolution R-2021-33 Approving the Secondary System Construction Budget Priority List for Fiscal Year 2022 and the Secondary Six Year Road Plan for Fiscal Years 2022 – 2027

Mr. Schardein provided an overview of Resolution R-2021-33, carrying funds forward for the 6-year plan. Chairman Carmack opened the public hearing.

Seeing as there were no speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board members comments.



After discussion among the board members and Mr. Schardein, Chair Carmack made a motion to approve R-2021-33. Mr. Williams seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

H. Resolution R-2021-32 Amending the Fiscal Year 2021 Powhatan County Operating Budget by Budgeting and Appropriating \$6,841,809.12 in the Central Virginia Transportation Fund (CVTA) Revenues and American Rescue Plan Act (ARPA) Coronavirus State and Local Fiscal Recovery Funds

Ms. Schubert, Director of Finance provided an overview of Resolution R-2021-32, which is to appropriate the funds received so far for the CVTA fund. The amendment also represents the New American Rescue Plan Act, which is money the county received over a 2 year period.

Seeing as there were no speakers present or remotely, Chairman Carmack closed the public hearing. Chairman Carmack opened the floor to board members comments.

After discussion among the board members and Mr. Schardein, Mr. Cox made a motion to approve R-2021-32, after amending the resolution stating all funds will be in one account.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed

13. Public Comment (time limit 3 minutes per individual/5 minutes per group, 30 minutes total time limit that can be extended by the Board)

Chairman Carmack opened the second public comment period.

- i. 1:06:07, Curtis Newton, 2000 Judes Ferry Road



No other speakers. Chairman Carmack closed the public comment period.

14. County Attorney Comments

The County Attorney had no comments.

15. County Administrator Comments

The County Administrator had no comments.

16. Board Comments

The Board Members had no comments.

17. Closed Meeting as authorized by the Code of Virginia

Chairman Carmack asked Mr. Lacheney to read the motion to go into closed session

Mr. Lacheney read: Whereas, the Board of Supervisors of Powhatan County desires to discuss in closed meeting the following matters: Discussion, consideration, or interviews of prospective candidates for employment; assignment, appointment, promotion, performance, demotion, salaries, disciplining, or resignation of specific public officers, appointees, or employees of any public body with respect to the County Administrator and County Attorney. Discussion or consideration of the acquisition of real property for a public purpose, where discussion in an open meeting would adversely affect the bargaining position or negotiating strategy of the public body with respect to the convenience center. Whereas, pursuant to: §2.2-3711(A)(1) (A)(3) of the Code of Virginia, such discussions may occur in Closed Meeting; Now, therefore, be it resolved that the Board of Supervisors of Powhatan County does hereby authorize discussion of the aforestated matters in Closed Meeting.

Chairman Carmack made the above in the form of a motion. Mr. Williams seconded the motion.

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

VOTE 5-0
MOTION Passed



18. Certification of Closed Meeting as authorized by the Code of Virginia

Mr. Lacheney read: The only matters discussed in the closed meeting were public business matters lawfully exempted from open meeting requirements, and only such public business matters as were identified in the motion by which the closed meeting was convened were heard, discussed, or considered in the closed meeting

David T. Williams, Tom E. Berry, Bill L. Cox, Michael W. Byerly, Karin M. Carmack voted AYE

19. Adjournment

Chairman Carmack adjourned the meeting at 8:34 P.M.

These minutes were approved on August 23, 2021.

ATTEST:

Ned Smither, County Administrator
Powhatan County Board of Supervisors

Karin M. Carmack, Chairman
Powhatan County Board of Supervisors

Recorded Vote:

David T. Williams	Aye
Tom E. Berry	Aye
Michael W. Byerly	Aye
Bill L. Cox	Aye
Karin M. Carmack	Aye